

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**IN RE:
ESEQUIEL HERNANDEZ III
ANGELA F. HERNANDEZ**

Debtors

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§
§

CASE NO: 13-52207 G

Chapter 13

**TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE
FOR FAILURE TO TURNOVER TAX RETURN AND/OR REFUND
WITH NOTICE AND OPPORTUNITY TO OBJECT**

AN ORDER WILL BE ENTERED GRANTING THE RELIEF REQUESTED WITHOUT FURTHER HEARING UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK WITHIN TWENTY ONE (21) DAYS OF THE DATE OF ISSUANCE OF THIS NOTICE. ANY SUCH OBJECTION MUST ALSO BE SERVED UPON THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING. IF AN OBJECTION IS FILED A HEARING WILL BE HELD ON July 21, 2015 AT 9:30 A.M.

NOW COMES Mary K. Viegelahn, Chapter 13 Trustee, in the above captioned case and files this Motion to Dismiss Chapter 13 Case for Failure to Turnover Tax Return and/or Refund for the following reason:

The Debtor(s) have failed to provide the Trustee with a copy of the 2014 Federal Income Tax Return as required by 11 U.S.C. §521(f)(1). The Trustee requested a copy of the Return by letter in January 2015. To date, the Return has not been provided. The Debtor(s) have failed to assist in the administration of the Estate. In addition, to the extent the Debtor(s) received a refund, such refund may be disposable income which may be required to be turned over to the Trustee.

WHEREFORE, the Trustee respectfully requests the Court dismiss the Debtor(s) case; and for such other and further relief as the Court may deem proper.

Dated: May 20, 2015

/S/ Mary K. Viegelahn

**MARY K. VIEGELAHN P42327 (MI)
CHAPTER 13 TRUSTEE
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